

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

THE REPUBLICAN PARTY OF TEXAS; §
JAMES R. DICKEY, in his official capacity §
as Chairman of the Republican Party of §
Texas and DEBORAH HOVDA, § Civil Action No. 1:17-cv-01167
Plaintiffs, §
§
v. §
§
ROLANDO B. PABLOS, in his official §
capacity as Texas Secretary of State, §
Defendant. §

ADVISORY TO THE COURT

TO THE HONORABLE ANDREW AUSTIN, United States Magistrate Judge:

Defendant files this Advisory to clarify a statement in his response to Plaintiffs' Motion for Preliminary and Permanent Injunctions and Temporary Restraining Order (Dkt. No. 9). In his response, Defendant suggested that a magistrate judge cannot issue an injunction even if both parties consent to the magistrate's authority to do so. *Id.* at 6 (citing *United Steelworkers of America, AFL-CIO v. Bishop*, 598 F.2d 408, 411 (5th Cir. 1979)). This assertion overlooked 28 U.S.C. § 636(c)(1), which provides that upon the consent of the parties, a magistrate judge may "order the entry of judgment in the case, when specially designated to exercise such jurisdiction by the district court or courts he serves." However, Defendant's underlying point—that in this circumstance, the Court must issue a report and recommendation on the temporary restraining order, rather than an order on the Plaintiffs' motion—remains true, as Defendant has not consented to have the temporary restraining order tried by consent to the magistrate judge.

Respectfully submitted.

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has served through the Court's Electronic Filing System on December 19, 2017, to the following:

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